

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TRAVELERS CASUALTY AND SURETY COMPANY as :  
Administrator for RELIANCE INSURANCE COMPANY, :  
Plaintiff, :  
vs. : 07-CV-6915 (DLC)  
DORMITORY AUTHORITY – STATE OF NEW YORK, :  
TDX CONSTRUCTION CORP. and KOHN PEDERSEN :  
FOX ASSOCIATES, P.C., :  
Defendants. :  

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DORMITORY AUTHORITY OF THE STATE OF NEW YORK : **DECLARATION OF**  
AND TDX CONSTRUCTION CORP., : **MICHAEL S. MILLER**  
Third-Party Plaintiffs, : **IN SUPPORT OF**  
vs. : **MOTION TO ADMIT**  
TRATAROS CONSTRUCTION, INC., : **COUNSEL**  
Third-Party Defendant. : **PRO HAC VICE**  

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TRATAROS CONSTRUCTION, INC. and TRAVELERS :  
CASUALTY AND SURETY COMPANY, :  
Fourth-Party Plaintiffs, :  
vs. :  
CAROLINA CASUALTY INSURANCE COMPANY; BARTEC :  
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY :  
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION; :  
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC; :  
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER: :  
INSURANCE COMPANY; GREAT AMERICAN INSURANCE :  
COMPANY; NATIONAL UNION FIRE INSURANCE :  
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE :  
INSURANCE COMPANY; ALLIED WORLD ASSURANCE :

COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :  
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :  
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :  
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :  
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :  
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :  
1-20 and XYZ CORPS. 1-20, :  
:  
Fourth-Party Defendants. :

Michael S. Miller, of full age, subscribes and affirms under penalty of perjury as follows,  
pursuant to 28 U.S.C. §1746:

1. I am a partner at Tompkins, McGuire, Wachenfeld & Barry, LLP, counsel to Fourth-Party Defendant Lumbermens Mutual Casualty Company (“LMC”), improperly sued as Kemper Casualty Insurance Company d/b/a Kemper Insurance Company in the above-captioned action. I am fully familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of LMC’s motion to admit David N. Larson as counsel, pro hac vice, to represent LMC in this matter.
2. I am a member in good standing of the bars of the State of New York and the State of New Jersey and was admitted to practice law in the State of New York in 1986. I am also admitted to the bars of the United States Courts of Appeals for the Second and Third Circuits, the United States District Courts for the Southern District of New York, the Eastern District of New York and the District of New Jersey, and am in good standing with those Courts.
3. Mr. Larson is a partner at Bollinger, Ruberry & Garvey in Chicago, Illinois.

4. I have worked with numerous attorneys at Bollinger, Ruberry & Garvey in Chicago, Illinois for several years on several matters and have found them to be skilled attorneys and persons of integrity. They are experienced in federal practice and are familiar with the Federal Rules of Civil Procedure.
5. Accordingly, I am pleased to move for the admission of David N. Larson, pro hac vice.
6. I respectfully submit a proposed order granting the admission of David N. Larson, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that this motion to admit David N. Larson, pro hac vice, to represent Fourth-Party Defendant LMC in the above-captioned matter, be granted.

DATED: February 19, 2008

s/ Michael S. Miller  
Michael S. Miller

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TRAVELERS CASUALTY AND SURETY COMPANY as :  
Administrator for RELIANCE INSURANCE COMPANY, :

Plaintiff, :

vs. :

: 07-CV-6915 (DLC)  
: ECF CASE

DORMITORY AUTHORITY – STATE OF NEW YORK, :  
TDX CONSTRUCTION CORP. and KOHN PEDERSEN :  
FOX ASSOCIATES, P.C., :

Defendants. :

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DORMITORY AUTHORITY OF THE STATE OF NEW YORK :  
AND TDX CONSTRUCTION CORP., :

Third-Party Plaintiffs, :

vs. :

: ORDER FOR  
: ADMISSION  
: PRO HAC VICE  
: OF DAVID N.  
: LARSON  
: ON WRITTEN  
: MOTION

TRATAROS CONSTRUCTION, INC., :

Third-Party Defendant. :

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TRATAROS CONSTRUCTION, INC. and TRAVELERS :  
CASUALTY AND SURETY COMPANY, :

Fourth-Party Plaintiffs, :

vs. :

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC :  
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY :  
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION:  
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC; :  
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER: :  
INSURANCE COMPANY; GREAT AMERICAN INSURANCE :  
COMPANY; NATIONAL UNION FIRE INSURANCE :  
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE :  
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COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :  
INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :

COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO	:
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY	:
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY	:
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES	:
1-20 and XYZ CORPS. 1-20,	:
	:
<u>Fourth-Party Defendants.</u>	:

Upon the motion of Michael S. Miller, attorney for Lumbermens Mutual Casualty Company and said sponsor attorney's declaration in support,

**IT IS HEREBY ORDERED** that:

Applicant's Name: David N. Larson

Firm Name: Bollinger, Ruberry & Garvey

Address: 500 West Madison Street, 23<sup>rd</sup> Floor

City/State/Zip: Chicago, Illinois 60661

Telephone/Fax: (312) 466-8000 / (312) 466-8001

Email address: david.larson@brg-law.net

is admitted to practice pro hac vice for Fourth-Party Defendant Lumbermens Mutual Casualty Company, improperly sued as Kemper Casualty Insurance Company, d/b/a Kemper Insurance Company, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including Rules governing discipline of attorneys. Counsel shall immediately apply for an ECF password at nyds.courts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

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United States District / Magistrate Judge